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11 *Attorneys for Plaintiff/Counterdefendant Deutsche Bank National Trust Company, as Trustee for*

12 *GSAA Home Equity Trust 2006-17, Asset-Backed Series 2006-17*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 DEUTSCHE BANK NATIONAL TRUST
16 COMPANY, AS TRUSTEE FOR GSAA
17 HOME EQUITY TRUST 2006-17, ASSET-
18 BACKED CERTIFICATES SERIES 2006-17,

19 Plaintiff,

20 vs.

21 EDWARD KIELTY TRUST; an entity of
22 unknown form; CANYON TRAILS
23 HOMEOWNERS ASSOCIATION, a Nevada
24 non-profit corporation; TERRA WEST
25 COLLECTIONS GROUP, LLC d/b/a
26 ASSESSMENT MANAGEMENT SERVICES;
27 DOE INDIVIDUALS 1 through X; and ROE
28 CORPORATIONS I through X, inclusive,

Defendants.

EDWARD KIELTY TRUST, a Nevada Trust,

Counterclaimant,

vs.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR GSAA

Case No.: 2:17-CV-01759-RFB-PAL

**STIPULATION AND ORDER TO
EXTEND DISCOVERY FOR THE SOLE
PURPOSE OF TAKING DEPOSITIONS**

(First Request)

HOME EQUITY TRUST 2006-17, ASSET-
BACKED CERTIFICATES SERIES 2006-17,

Counterdefendant.

COMES NOW Plaintiff/Counterdefendant, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR GSAA HOME EQUITY TRUST 2006-17, ASSET-BACKED CERTIFICATES SERIES 2006-17 (hereinafter "Deutsche"), Defendant/Counterclaimant, EDWARD KIELTY TRUST (hereinafter "EKT"), and Defendant, CANYON TRAILS HOMEOWNERS ASSOCIATION ("HOA"), by and through their undersigned and respective counsel, and hereby stipulate and agree to a thirty (30) day extension to the discovery deadline and dispositive motion deadline for the sole purpose of deposing the HOA and Deutsche Bank.

I. DISCOVERY COMPLETED BY THE PARTIES

1. The HOA's Initial Disclosures pursuant to F.R.C.P. 26(a);
2. EKT's Initial Disclosures pursuant to F.R.C.P. 26(a);
3. Deutsche Bank's Initial Disclosures pursuant to F.R.C.P. 26(a);
4. The HOA's Interrogatories, Requests for Production, and Requests for Admission to Deutsche Bank;
5. Kielty's Interrogatories, Requests for Production, and Requests for Admission to Deutsche Bank;
6. Deutsche Bank's Initial Expert Disclosure
7. The HOA's Rebuttal Expert Disclosure
8. Deutsche Bank's Interrogatories, Requests for Production, and Requests for Admission to the HOA and Kielty.
9. The deposition of EKT's 30(b)(6) witness.
10. The deposition of HOA Trustee's 30(b)(6) witness.

1 **II. DISCOVERY TO BE COMPLETED IN THE FUTURE**

2 1. The deposition of a witness for the HOA, originally scheduled to be held on
3 February 1, 2018.

4 2. Deutsche Bank's responses to the HOA's Interrogatories, Requests for
5 Production, and Requests for Admission, currently due on February 8, 2018.

6 3. The HOA's responses to Deutsche Bank's Interrogatories, Requests for
7 Production, and Requests for Admission, currently due on February 8, 2018.

8 4. The deposition of Deutsche Bank's 30(b)(6) witness, currently scheduled for
9 February 8, 2018.

10 **III. REASONS THAT DISCOVERY WAS NOT TIMELY COMPLETED**

11 The parties seek an extension for the limited purpose of conducting depositions of the
12 FRCP Rule 30(b)(6) witness for the HOA and Deutsche Bank. A deposition of the HOA was
13 originally scheduled for February 1, 2018; however, due to an inadvertent mistake, it needs to
14 be rescheduled. In addition, the deposition of the 30(b)(6) witness for Deutsche Bank, currently
15 scheduled on the discovery cut-off date, needs to be rescheduled for a date after the close of
16 discovery due to scheduling conflicts of the witness. Based thereon, the parties are unable to
17 complete these depositions within the existing discovery deadline, which is currently on
18 February 2, 2018.

19 **IV. REASONS WHY DISCOVERY SHOULD BE EXTENDED:**

20 Regarding the requested extension of discovery, good cause exists to extend the
21 discovery deadline thirty (30) days for the limited purpose of deposing the HOA and Deutsche
22 Bank. Good cause to extend the discovery cutoff exists "if it cannot reasonably be met despite
23 the diligence of the party seeking the extension." *See Johnson v. Mammoth Recreations, Inc.*,
24 975 F.2d 604, 608-09 (9th Cir. 1992). Here, Deutsche noticed the deposition of the HOA within
25 the discovery period, however the witness was able to attend, requiring the rescheduling of the
26 deposition. Additionally, due to scheduling conflicts, the FRCP 30(b)(6) witness cannot appear
27 for deposition until after the current discovery deadline.
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1 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

2 The parties propose that all dates in the current Stipulated Discovery Plan and Scheduling
3 Order, filed on October 6, 2017, be amended as follows:

- 4 1. Discovery cut-off: currently February 8, 2018, desired March 12, 2018.
5 2. Dispositive Motions: currently March 12, 2018, desired April 11, 2018.
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1 **VI. CERTIFICATE OF CONFERENCE**

2 Counsel for all appearing parties has conferred in-person with respect to these issues. All
3 counsel have signed below, thereby indicating their approval of the instant Stipulation to Extend
4 Discovery and Dispositive Motion Deadline and do not request a conference before the Court
5 prior to entry of a new Scheduling Order. This is the parties' first request for an extension and is
6 not intended to cause any delay or prejudice to any party.

7 DATED this 7th day of February, 2018.

DATED this 7th day of February, 2018.

8 WRIGHT, FINLAY & ZAK, LLP

AYON LAW, PLLC

9
10 /s/ Lindsay D. Robbins, Esq.

/s/ Allison R. Schmidt, Esq. for

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14 *Attorneys for Deutsche Bank National Trust
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15 DATED this 7th day of February, 2018.

16 LIPSON, NEILSON, COLE, SELTZER &
17 GARIN, P.C.

18 /s/ David A. Markman, Esq.

19 J. William Ebert, Esq.
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*Attorney for Canyon Trails Homeowners
Association*

24 **ORDER**

25 **IT IS SO ORDERED.**

26 DATED this 9th day of February, 2018.

27 
28 UNITED STATES MAGISTRATE JUDGE